

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 15, 2008

DOCUMENT CONTROL

COMMONWEALTH OF VIRGINIA, ex rel.

2008 DEC 15 A 11:38

STATE CORPORATION COMMISSION

CASE NO. PUC-2008-00047

Ex Parte: Revisions of Rules for  
Local Exchange Telecommunications  
Company Service Quality Standards

SECOND ORDER FOR NOTICE AND HEARING

On June 17, 2008, the State Corporation Commission ("Commission") issued an Order Prescribing Notice, Scheduling Hearing, and Inviting Comments ("Order Prescribing Notice") that established this proceeding for the purpose of: (1) repealing the current Rules for Local Exchange Telecommunications Company Service Quality Standards, 20 VAC 5-427-10 *et seq.*; and (2) considering the adoption of new Rules Governing Local Exchange Telecommunications Carrier Retail Service Quality ("Proposed Rules"), 20 VAC 5-428-10 *et seq.* The Commission provided for publication of the Proposed Rules, permitted interested persons to submit written and electronic comments thereon, directed the Commission's Staff ("Staff") to file a response to such comments, and scheduled a public hearing for September 25, 2008.

On September 15, 2008, the Staff filed a response to the written and electronic comments submitted in this proceeding. As part of such response, the Staff provided a summary of each comment and noted that comments were received from the following: Office of the Attorney General's Division of Consumer Counsel; Communications Workers of America; Utility Professional Services, Inc. ("Utility Pros"); Nancy Anderson; Ellen Boone; Alexander Chinoy; Vincent Cody; Curtis Darlington; M. Timothy Firebaugh; Arthur Garrison; Patrick Geraghty; Richard Hampton; Joyce Hann; Peter Hudik; James R. Jones; Elizabeth Piaskecki; Gerald T.

Yost; John T. O'Mara; Cox Virginia Telcom ("Cox"); Virginia Cable Telecommunications Association ("VCTA"); AT&T Communications of Virginia and TCG Virginia ("AT&T"); Cavalier Telephone ("Cavalier") and XO Virginia; Central Telephone Company and United Telephone Southeast ("Embarq"); NTELOS Telephone Company, Roanoke and Botetourt Telephone, NTELOS Network, and R&B Network ("NTELOS"); Virginia Telecommunications Industry Association ("VTIA"); Verizon; and PAETEC Communications and US LEC Corp. ("PAETEC").

On September 25, 2008, the Commission held a public hearing at which it received comments from persons on behalf of the following: Utility Pros; Embarq; VCTA; Cavalier; Cox; VTIA; Verizon; MGW Telephone Company; Shentel; and the Staff.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds as follows.

#### Code of Virginia

We find as a matter of law – and no commenter disputed – that this Commission has the legal authority to promulgate minimum service quality standards for local exchange telecommunications carriers ("LECs") operating in the Commonwealth of Virginia. As noted in Rule 10 A,<sup>1</sup> the Proposed Rules: (1) "[are] promulgated pursuant to §§ 56-35, 56-36, 56-234, 56-234.4, 56-246, 56-247, 56-249, and 56-479 of the Code of Virginia [("Code")] and shall apply to [LECs] providing local exchange telecommunications services within the Commonwealth of Virginia;" and (2) "prescribe[] the minimum acceptable level of service quality under normal operating conditions."

---

<sup>1</sup> References herein to a particular proposed rule will be shortened to wit: "Rule 10 A" is Proposed Rule 20 VAC 5-428-10 A.

Some of the commenters, however, asserted that service quality rules are not necessary but, rather, should be left to the marketplace.<sup>2</sup> For example, Verizon asserts that the language of Va. Code § 56-265.4:4 B 3 (ii) directing the Commission to "require equity in the treatment of certified [LECs] so as to encourage competition based on service, quality and price differences between alternative providers" essentially means that we should not place regulatory service quality standards on LECs that are more burdensome than those placed on Voice over Internet Protocol ("VoIP") and wireless providers—both of which are not subject to the Commission's jurisdiction but, nevertheless, may be competitors to a LEC's landline services.<sup>3</sup> In effect, therefore, Verizon urges us to read Va. Code § 56-265.4:4 B 3 (ii) to say that service quality regulation by the Commission *cannot exceed* comparable federal service quality regulation of VoIP and wireless providers. We disagree. The General Assembly could have explicitly amended this Code provision to mirror the federal regulatory regime, but we do not interpret the plain language of this statute to restrict service quality in the Commonwealth in such a way.<sup>4</sup>

We do not dispute that landline service from LECs, as a category, is losing market share to other forms of telephone service, including VoIP and wireless. Indeed, we have recognized

---

<sup>2</sup> See, e.g., Verizon August 21, 2008 Comments at 12-13; AT&T August 21, 2008 Comments at 2; Tr. at 55-56. Despite this assertion, however, no commenter has identified a specific Code provision precluding the Commission from adopting service quality rules. See, e.g., Tr. at 55 (Statement of Lydia R. Pulley, Esquire, on behalf of Verizon: "It is not Verizon's position that the General Assembly stripped the Commission of the ability to adopt service quality rules or service quality standards.")

<sup>3</sup> See, e.g., Verizon's August 21, 2008 Comments at 7; Tr. 58-60. Both VoIP and wireless are subject to federal rather than state jurisdiction and the General Assembly has specifically precluded the Commission from regulating VoIP services. See Va. Code § 56-1.3.

<sup>4</sup> Section 56-235.5 of the Code, pertaining to "alternative" forms of telephone company regulation, serves as additional support for the Commission's retained authority to regulate service quality. Section 56-235.5 B (ii) provides that the Commission should consider service quality when deciding whether to approve a LEC's alternative regulatory plan. Similarly, § 56-235.5 D (ii) provides that the Commission may alter or revoke the terms of an alternative regulatory plan if it finds that "the quality of local exchange telephone service has deteriorated or will deteriorate to the point that the public interest will not be served by continuation of the alternative form of regulation."

this marketplace reality in recent orders.<sup>5</sup> We acknowledge that VoIP, cable and wireless providers do not face the same state regulation as LECs do. We find, however, that as a matter of law the General Assembly has not directed this Commission to leave service quality standards for landline service from LECs solely to the marketplace.

Finally, protecting the public health and safety and protecting economic well-being should be priorities in ensuring minimum service quality. We note that public health and safety issues differentiate landline LEC service from VoIP and wireless, which are under federal jurisdiction. Although the provision of "reasonably adequate service and facilities" is not explicitly limited to public health and safety or economic impacts on customers under the statute, and we do not limit our inquiry to those issues here, we find that it is reasonable to examine further the impact on public health and safety, as well as potential economic impacts, in adopting specific service quality standards.

#### Revised Proposed Rules

Based on comments received on the proposed new service quality rules, and having affirmed our decision to promulgate new service quality standards pursuant to the Commission's statutory authority, we request additional information on specific performance standards and on revisions to the Proposed Rules. Specifically, attached hereto are modifications to the Proposed Rules ("Revised Proposed Rules"), and we seek additional comments thereon. Although we request comment on these revised rules, we clarify that provisions included, or excluded, from the Revised Proposed Rules do not represent final findings by the Commission in this proceeding as to such provisions.

---

<sup>5</sup> See *Application of Verizon Virginia Inc. and Verizon South Inc. for a Determination that Retail Services are Competitive and Deregulating and Detariffing the Same*, Case No. PUC-2007-00007, 2007 S.C.C. Ann. Rep. 225 (Dec. 14, 2007).

While we do not discuss herein each of the changes contemplated by the Revised Proposed Rules, we note that the comments received to date have prompted a number of questions as to Rule 90.<sup>6</sup> Revised Proposed Rule 90 addresses specific performance standards applicable to, among other things, restoration of out-of-service trouble reports, completion of installation service orders, and field dispatch for installation and repair commitments. We seek comments on what the specific minimum standards should be for these items, especially in light of our finding that priority should be placed on protecting the public health and safety and minimizing economic impacts of service interruptions in establishing minimum service quality standards. For example, upon what basis should the Commission adopt the specific metrics for out-of-service trouble reports, and/or in what manner should such metrics be modified? In addition, the Commission seeks comment on Revised Proposed Rules 90 B (1) and (3), pertaining to out-of-service trouble reports and installation service orders, that remove from noncompliance a time interval that exceeds the required standard when it has been caused by any customer, or when it has been explicitly requested or accepted by a residential customer. Our revisions raise the issue of whether, for business customers, restoration or installation of service that is not done in a timely manner can cause serious economic harm to the business customer, particularly small businesses.

Further, and in response to comments submitted by certain LECs regarding the integrity of a LEC's network, the Revised Proposed Rules also include provisions regarding repeat trouble reports, central office trouble reports, and outside plant trouble reports. Also in response to comments by certain LECs, the quarterly performance reports required by the Revised Proposed Rules only apply for a quarter in which the LEC failed to meet a standard.

---

<sup>6</sup> A number of revisions to the Rules, which are suggested by various commenters and not opposed by the Staff, have been included in the Revised Proposed Rules.

Moreover, Proposed Rule 40, relating to network relocation and rearrangement, has been deleted from the Revised Proposed Rules about which we are now seeking additional comment. We acknowledge that developers have expressed frustration with respect to the receipt of prompt, detailed estimates associated with the relocation or rearrangement of LEC facilities. However, due to the complexity and breadth of the issues involved in this proceeding, we seek comment on whether it is advisable to limit the present rulemaking to the consideration of service quality subject matter already addressed in the Current Rules and whether we should direct the Staff to convene an industry working group, including representatives from Virginia's electric utilities, to draft guidelines pertaining to the relocation or rearrangement of utility facilities for the Commission's consideration.

Accordingly, IT IS HEREBY ORDERED THAT:

(1) The Commission's Division of Information Resources shall forward the revised proposed Rules Governing Local Exchange Telecommunications Carrier Retail Service Quality (Chapter 428), Appendix A herein, to the Registrar of Virginia for publication in the Virginia Register of Regulations.

(2) The Commission's Division of Information Resources shall make a downloadable version of the revised proposed Rules Governing Local Exchange Telecommunications Carrier Retail Service Quality, Appendix A, available for access by the public at the Commission's website, <http://www.scc.virginia.gov/case>. The Clerk of the Commission shall make a copy of the revised proposed Rules Governing Local Exchange Telecommunications Carrier Retail Service Quality available for public inspection and provide a copy, free of charge, in response to any written request for one.

(3) Interested persons wishing to submit written comments regarding the revised proposed Rules Governing Local Exchange Telecommunications Carrier Retail Service Quality shall file such written comments with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, on or before February 5, 2009, making reference to Case No. PUC-2008-00047. Interested persons desiring to submit comments electronically by this date may do so by following instructions found on the Commission's website, <http://www.scc.virginia.gov/case>.

(4) On or before March 2, 2009, the Commission Staff is directed to file a Report on the issues raised in this Order and in response to the comments that are filed with the Commission.

(5) The Commission shall conduct a hearing in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia at 10:00 a.m. on March 10, 2009, to consider the adoption of the Revised Proposed Rules.

(6) On or before December 31, 2008, the Commission's Division of Information Resources shall publish the following notice as classified advertising in newspapers of general circulation throughout the Commonwealth of Virginia.

NOTICE TO THE PUBLIC OF A PROCEEDING TO ADOPT  
REVISED RULES GOVERNING LOCAL EXCHANGE  
TELECOMMUNICATIONS CARRIER RETAIL SERVICE  
QUALITY CASE NO. PUC-2008-00047

By Order dated September 30, 2005, in Case No. PUC-2003-00110, the State Corporation Commission ("Commission") adopted Rules for Telecommunications Company Service Quality Standards ("Current Rules") (20 VAC 5-427-10). Thereafter, by Order dated June 17, 2008, the Commission indicated that it was considering the repeal of the Current Rules and the adoption of a revised set of rules styled Rules Governing Local Exchange Telecommunications Carrier Retail Service Quality ("Proposed Rules"). In accordance with the Order dated June 17, 2008, Commission received written comments regarding, and conducted a hearing associated with, the Proposed Rules.

Upon review of the previously submitted written comments and consideration of statements made at the hearing on September 25, 2008, the Commission is now considering revisions to the Proposed Rules. Interested parties may obtain a copy of the revised Proposed Rules by visiting the Commission's website, <http://www.scc.virginia.gov/case>, or by requesting a copy from the Clerk of the State Corporation Commission. The Clerk's office will provide a copy of the revised Proposed Rules to any interested party, free of charge, in response to any written request for one.

Interested persons wishing to submit written comments regarding the revised Proposed Rules shall file such written comments with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, on or before February 5, 2009, making reference to Case No. PUC-2008-00047. Interested persons desiring to submit comments electronically may do so by following instructions found on the Commission's website, <http://www.scc.virginia.gov/case>.

A public hearing to consider the Revised Proposed Rules shall be convened at 10:00 a.m. on March 10, 2009, in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia. Any person desiring to comment orally at the public hearing need only appear at the Commission's Second Floor Courtroom in the Tyler Building at the address set forth above prior to 9:45 a.m. on the day of the hearing and register a request to speak with the Commission's bailiff.

VIRGINIA STATE CORPORATION COMMISSION

(7) This matter is continued for further orders of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; all local exchange carriers certificated in Virginia as set out in Appendix B; and the Commission's Office of General Counsel and the Division of Communications.

A True Copy  
Teste:

  
Clerk of the  
State Corporation Commission



## STATE CORPORATION COMMISSION

## Chapter 428 Carrier Retail Service Quality

## CHAPTER 427

## RULES FOR LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY SERVICE

QUALITY STANDARDS (REPEALED)**20VAC5-427-10. Applicability; definitions. (Repealed.)**

~~A. The provisions of this chapter shall apply to local exchange telecommunications carriers (LECs) certificated to provide local exchange telecommunications services within the Commonwealth of Virginia.~~

~~B. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:~~

~~"Automated answering system" means a system where customer calls are received and directed to a live agent or an automated transaction system.~~

~~"Automated transaction system" means a system where customer transactions can be completed without the assistance of a live agent.~~

~~"Bridged tap" means a multiple appearance of the same cable pair at several distribution points or a section of a cable pair not on the direct electrical path between the central office and the customer's premises.~~

~~"Business office" means any functional entity that accepts service orders, billing inquiries, and processes other related customer requests.~~

~~"Busy hour" means the sliding 60-minute period during which the maximum total traffic load in a given 24-hour period occurs.~~

~~"Central office" means a LEC operated switching system, including remote switches and associated transmission equipment (e.g., digital circuit switches, packet switches, carrier systems).~~

~~"Central office serving area" means the geographic area in which local service is provided by a LEC's central office and associated outside plant.~~

~~"Commission" means the Virginia State Corporation Commission.~~

~~"Competitive local exchange carrier (CLEC)" means an entity, other than a locality, certificated to provide local exchange telecommunications services in Virginia after January 1, 1996, pursuant to § 56-265.4:4 of the Code of Virginia and 20VAC5-417.~~

~~"Customer" means any person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency that is an end user of local exchange telecommunications services under the jurisdiction of the commission.~~

~~"Emergency" means a sudden or unexpected occurrence involving a clear and imminent danger demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.~~

~~"In service trouble report" means a customer reported network trouble that allows calls to be originated or received but affects other aspects of service such as static or hazardous conditions.~~

~~"Incumbent local exchange carrier" or "incumbent" or "ILEC" means a public service company providing local exchange telecommunications services in Virginia on December 31, 1995, pursuant to a certificate of public convenience and necessity, or the successors to any such company.~~

~~"Intercept" means a suitable announcement that provides sufficient information as to the reasons for the call diversion.~~

~~"Load coil" means an induction device employed in local loops exceeding 18,000 feet to minimize amplitude distortion.~~

~~"Local exchange carrier (LEC)" means a certificated provider of local exchange telecommunications services, whether an incumbent or a new entrant.~~

~~"Local exchange telecommunications services" means local exchange telephone service as defined by § 56-1 of the Code of Virginia.~~

~~"Locality" means a city, town, or county that operates an electric distribution system in Virginia.~~

~~"Major service outage" means any network condition that causes 1,000 or more customers to be out of service for 30 or more minutes; causes an unplanned outage of, or completely isolates, a central office for 30 or more minutes; or disrupts 911 emergency call processing for any period.~~

~~"Municipal local exchange carrier (MLEC)" means a locality certificated to provide local exchange telecommunications services pursuant to § 56-265.4:4 of the Code of Virginia.~~

~~"Network" means a system of central offices and associated outside plant.~~

~~"Network access line (NAL)" means a customer dial tone line, or its equivalent, that provides access to the public telecommunications network.~~

~~"New entrant" means a CLEC or an MLEC.~~

~~"Out of service" means a network service condition causing an inability to complete an incoming or outgoing call or any other condition that causes a connected call to be incomprehensible.~~

~~"Outside plant" means the network facilities not included in the definition of central office including, but not limited to, copper cable, fiber optic cable, coaxial cable, terminals, pedestals, load coils, or any other equipment normally associated with interoffice, feeder, and distribution facilities up to and including the rate demarcation point.~~

~~"Rate demarcation point" means the point at which a LEC's network ends and a customer's wiring or facilities begin.~~

~~"Repeat report" means a customer reported network trouble that is received by a LEC within 30 days of another network trouble report on the same NAL.~~

~~"Speed of answer interval (SAI)" means the period of time following the completion of direct dialing, or upon completion of a customer's final selection or response within an automated answering system, and lasting until the call is answered by a live agent or is abandoned by the customer or the LEC. In the case of automated transactions where a customer opts to speak to a live agent, the SAI is the period of time following the customer opting to speak to a live agent until the call is answered by a live agent or is abandoned by the customer or the LEC.~~

~~"Staff" means the commission's Division of Communications and associated personnel.~~

~~"Standard load" means transmission loss has been reduced on a cable pair by means of configuring the twisted copper pair loop using a 6,000 foot H spacing loading scheme or 4,500 foot D spacing loading scheme, which may be expressed as 6,000 foot H88 mh load or 4,500 foot d66 mh load scheme.~~

~~"Telecommunications relay service" means a telephone transmission service that provides the ability for an individual with a hearing or speech disability to engage in~~

~~communication with a hearing individual in a manner functionally equivalent to someone without such a disability.~~

~~"Transmission" means a process of transmitting voice grade telecommunications from one network point to another.~~

~~"Trouble" means an impairment of a LEC's network.~~

~~"Trouble report" means an initial oral or written notice, including voice mail and e-mail, to any LEC employee or agent of a condition that affects or may affect network service.~~

~~"Trunk blockage" means the unavailability of network transmission capacity at the time of a call that prevents call completion and results in the call originator receiving a fast busy signal or an indication of trunk blockage.~~

~~"Virginia universal service plan (VUSP)" means the program under which eligible lower income customers may obtain certain telecommunications services at reduced monthly charges and may also receive a discount on certain nonrecurring connection or service charges from participating LECs. This program is also referred to as lifeline or link up.~~

~~"Voice grade service" means the transmission of communication signals in the range of 0 to 4000 Hertz.~~

**20VAC5-427-20. General provisions. (Repealed.)**

~~A. The provisions of this chapter prescribe the minimum acceptable level of quality of service under normal operating conditions.~~

~~B. The commission may, after investigation, suspend application of any provision of this chapter during periods of emergency, catastrophe, natural disaster, severe storm, or~~

~~other events affecting large numbers of customers. The commission may also suspend application of the provisions of this chapter for other extraordinary or abnormal conditions, including work stoppage, civil unrest, major transportation disruptions, or other events beyond the control of a LEC.~~

**20VAC5-427-30. Network facilities, construction, operation, maintenance, and repair. (Repealed.)**

~~A. Network facilities shall be designed, constructed, operated, maintained, and repaired in compliance with applicable safety and electrical codes, regulations and statutes; applicable commission orders and rules; and all requirements for interconnection under applicable federal and state law.~~

~~B. Outside plant shall be designed, constructed, operated, maintained and repaired so as to minimize transmission interference from services provided by other public utilities.~~

~~C. A LEC shall participate in operational reviews held at the staff's discretion to ensure that construction, design, maintenance, disaster recovery plans, and any other applicable programs are adequate to meet the needs of a LEC's customers.~~

~~D. A LEC shall have the test equipment and technical ability to determine the operating and transmission characteristics of its own network facilities.~~

~~E. A LEC, whenever it disturbs private property during the course of construction or maintenance operations, shall, except when otherwise specified or governed by easement or agreement, make every reasonable effort to restore the private property to a condition that is at least as good as that which existed prior to the disturbance.~~

**20VAC5-427-40. Availability and retention of records. (Repealed.)**

~~A. A LEC shall make available to the commission or staff, upon request, all records, reports, and other information required to determine compliance with this chapter.~~

~~B. A LEC shall retain records relevant to 20VAC5-427-130, where applicable, for a minimum of two years.~~

~~C. A LEC shall retain customer billing records for a minimum of three years to permit the commission or staff to investigate and resolve billing complaints.~~

**20VAC5-427-50. Maintenance of facility maps and records. (Repealed.)**

~~A LEC or its affiliates shall maintain maps and records that show the current location, description, and capacity fill data of its network.~~

**20VAC5-427-60. Rate and special charges information. (Repealed.)**

~~A. Upon the request of a current or prospective customer, a LEC shall disclose all rates, charges, and fees applicable to a customer's service request or inquiry including, but not limited to, the federal subscriber line charge or its equivalent, or any other rates, charges, and fees that it collects and retains. In addition, the rates, charges, and fees that the LEC collects and retains shall each be clearly, conspicuously, and in every instance, disclosed as line items on customer bills separately from governmental fees, taxes, and surcharges.~~

~~B. Upon the request of a current or prospective customer, a LEC shall describe and disclose the fees, taxes, and surcharges that it collects from a customer and distributes to governmental agencies.~~

~~C. Upon the request of a current or prospective customer, a LEC shall, with specificity, provide a customer with an Internet website address or website link~~

~~containing its current effective Virginia intrastate tariffs or, at the customer's request, provide a copy of the applicable tariff section or pages for the Virginia intrastate regulated telecommunications service.~~

~~D. Upon the request of a current or prospective customer, a LEC shall provide reasonable access to information and provide assistance necessary to enable the current or prospective customer to obtain the most economical service available to meet the customer's needs, including VUSP or any other discount programs that may be available.~~

~~E. Before changing or installing a service, a LEC shall provide to the current or prospective customer an estimate of any special charges not specifically set forth in the LEC's applicable tariff. Special charges include, but are not limited to, any of the following: extraordinary construction, maintenance, and replacement costs; expenses for overtime work to be performed at the customer's request; or special installations, equipment, or assemblies needed to fulfill a customer's request.~~

**20VAC5-427-70. Response to trouble reports. (Repealed.)**

~~A. A LEC shall process trouble reports from customers at all times through automated or live means and shall take immediate action to clear trouble reports of an emergency nature.~~

~~B. A LEC shall make a full and prompt investigation of all trouble reports.~~

~~C. A LEC shall render reasonable customer assistance to identify the cause or causes of an outage that may be corrected by the customer.~~

~~D. A LEC shall maintain an accurate record of trouble reports by telephone number or circuit number, as appropriate. The record shall include all of the following information:~~



- ~~1. The customer or service affected;~~
- ~~2. The time, date, and nature of the trouble report;~~
- ~~3. The action taken to clear the trouble or satisfy the complaint; and~~
- ~~4. The date and time the repair was completed or the trouble report was otherwise closed.~~

**20VAC5-427-80. Service outage reporting requirements. (Repealed.)**

~~A. The staff shall be advised of a major service outage on the same business day or, if the outage occurs outside of the commission's normal business hours, at the beginning of the next business day.~~

~~B. A major service outage report shall be submitted to the staff by the end of the next business day following the outage and shall include the following information:~~

- ~~1. The central office, remote switch, or other network facility involved;~~
- ~~2. The date and estimated time of commencement of the outage;~~
- ~~3. The geographic area affected;~~
- ~~4. The estimated number of customers affected;~~
- ~~5. The types of services affected;~~
- ~~6. The duration of the outage (e.g., time elapsed from the commencement of the outage until estimated restoration of full service); and~~
- ~~7. The apparent or known cause or causes of the outage, including the name and type of equipment involved and the specific part of the network affected, and methods used to restore service.~~

**20VAC5-427-90. Emergency operation. (Repealed.)**

~~A. A LEC shall make reasonable preparations to continue operations and restore service outages resulting from fire, major electric power failures, other emergencies, and acts of divine providence.~~

~~B. A LEC's employees or agents shall be instructed to follow emergency procedures to prevent or minimize interruption or degradation of service.~~

~~C. A LEC's central offices shall have access to adequate facilities to provide emergency electric power, and the LEC shall determine the necessary reserve power capacity requirement based on its operating experience with its energy provider.~~

~~D. A LEC shall if a central office does not have power generation equipment installed, design and maintain sufficient battery reserve, within the appropriate ampere hour rating, to allow timely delivery and setup of portable generators.~~

**20VAC5-427-100. Customer complaint handling. (Repealed.)**

~~A LEC shall establish customer complaint processing procedures in compliance with § 56-247.1 C of the Code of Virginia by:~~

- ~~1. Providing the staff a means for immediate telephone access to company complaint resolution personnel during normal business hours;~~
- ~~2. Providing the staff an escalation list of at least three company contacts responsible for resolving customer complaints received by the commission or staff. This list shall include the names, titles, addresses, telephone numbers, fax numbers, and e-mail addresses of each individual contact. Any changes to the escalation list shall be provided to the staff within 30 days of the change;~~
- ~~3. Making a full and prompt investigation of all customer complaints;~~

- ~~4. Assisting customers who report obscene, threatening, or harassing calls;~~
- ~~5. Providing customers who call from within their local serving area toll-free access to report complaints;~~
- ~~6. Making its customer complaint procedure and its record of the number and type of complaints available to the staff whenever requested;~~
- ~~7. Noting and retaining customer contact records when an inquiry or complaint is resolved. Customer contact records shall be retained for a minimum of two years; and~~
- ~~8. Conducting an investigation upon notification by the staff regarding a customer inquiry or complaint. Out-of-service complaints shall be given immediate attention with a written response provided to the staff within one business day of notification by the staff. For other complaints, the LEC shall provide a written response to the staff detailing its resolution of the complaint within 10 business days following the initial notification by the staff. Upon extraordinary circumstances when the matter cannot be resolved within a 10 business-day period, the LEC shall provide written updates on a schedule established by the staff until the matter is finally resolved.~~

**20VAC5-427-110. Intercept. (Repealed.)**

~~When a customer's telephone number is changed or disconnected, the LEC shall offer to intercept all calls to the former telephone number in accordance with the following:~~

- ~~1. Intercept service shall be provided for changed numbers until the former number is reassigned due to equipment or telephone numbering resource shortages or until it is no longer listed in the current directory; and~~

~~2. Intercept service shall be updated daily to reflect the most current service order activity affecting a LEC's customers.~~

**20VAC5-427-120. Printed directories. (Repealed.)**

~~A. A LEC responsible for publishing a directory shall make every reasonable effort to correct directory errors and to resolve directory disputes in a timely and efficient manner. A LEC responsible for directory publication may be required by the commission to postpone publication depending upon the nature and severity of a complaint. A LEC responsible for publishing a directory includes, but is not limited to, a LEC that publishes directories, causes directories to be published, or provides customer information for inclusion in directories.~~

~~B. A LEC shall publish directories or cause its customers' listing information to be published in directories at yearly intervals. Exceptions to the yearly publication schedule shall be reviewed with the staff.~~

~~C. A LEC shall distribute, or cause to be distributed at no charge to each customer, at least one directory for each residential premises and at least one directory for each business NAL that includes listings contained in a customer's local and extended calling areas. Where a residential customer has more than one NAL, a LEC shall, upon request of that customer, provide, at no charge, additional directories not to exceed the total number of NALs. In cases where one directory does not include the listings contained in a customer's local and extended calling areas, then a LEC shall provide, upon request of that customer, at no charge, any additional directories or supplements that may be required to provide such listings.~~

~~D. A LEC shall provide the staff one copy of each directory it publishes or causes to be published.~~

~~E. If an error occurs in the listed telephone number of a customer, then the LEC shall, at no charge, offer to intercept or remote forward calls, at the option of the LEC, for the remaining life of the directory or change the customer's telephone number to the listed telephone number provided that it is technically feasible and that the telephone number is not in service for another customer.~~

~~F. If an error or omission in the name, address, or telephone number of a customer occurs, a LEC shall, if applicable, include, or cause to be included, the customer's correct name, address, or telephone number in the files of the directory assistance database.~~

~~G. If additions or changes to the network or any other operations require changing a telephone number assigned to a customer, then the serving LEC shall give reasonable notice to the customer affected even though the change in telephone number may coincide with the issuance of a directory.~~

~~H. A directory shall, in the opening information pages, include:~~

- ~~1. Information pertaining to accessing emergency services such as fire and police;~~
- ~~2. Information giving the commission's address, telephone number, website information, and regulatory authority;~~
- ~~3. An explanation of the services for which local exchange telecommunications services may be terminated for failure to pay;~~
- ~~4. Information pertaining to accessing the Telecommunications Relay Service. This service is also referred to as Virginia Relay;~~
- ~~5. Information describing illegal telephone use;~~

~~6. Information describing procedures for the prevention of damage to underground facilities;~~

~~7. Information describing procedures on handling harassing, obscene, abusive, or threatening calls;~~

~~8. Information pertaining to consumer rights to privacy including procedures on how to opt out or block services that may lead to the disclosure of personal information; and~~

~~9. Information pertaining to procedures on how to prevent solicitation calls.~~

~~I. All LECs appearing in the opening information pages of a directory shall include or cause to be included contact information necessary to call the repair service and the appropriate business office.~~

**20VAC5-427-130. Service quality performance standards. (Repealed.)**

~~A. Central office trouble reports is an indicator of switching system performance in processing calls. The standard for satisfactory performance for any given central office is, without exception other than as permitted in this chapter, less than or equal to 0.35 central office trouble reports per 100 NALs, per calendar month.~~

~~B. Outside plant trouble reports is an indicator of the quality of design, construction, and maintenance of a LEC's outside plant. The standard for satisfactory performance is, without exception other than as permitted in this chapter, less than or equal to 3.0 outside plant trouble reports per 100 NALs, per calendar month.~~

~~C. Repeat reports is a measure of customer reported network troubles received by a LEC within 30 days of another network trouble report on the same NAL. The standard for satisfactory performance shall not exceed, without exception other than as permitted in this chapter, a repeat report rate of 16% in any given 30-day period.~~

~~D. Out of service trouble reports repaired within 24 and 48 hours is a measure of a LEC's ability to restore network service in a timely manner. Out of service trouble reports should generally be cleared within 24 hours. The standard for satisfactory performance shall be that, without exception other than as permitted in this chapter, no less than 80% of out of service trouble reports are cleared within 24 hours, and that, without exception other than as permitted in this chapter, no less than 95% are cleared within 48 hours, per calendar month, excluding Sundays and LEC recognized holidays.~~

~~E. In service trouble reports cleared within 72 and 96 hours is a measure of a LEC's ability to repair network service in a timely manner. In service trouble reports should generally be cleared within 72 hours. The standard for satisfactory performance shall be that, without exception other than as permitted in this chapter, no less than 90% of in service trouble reports are cleared within 72 hours, and that, without exception other than as permitted in this chapter, no less than 95% are cleared within 96 hours, per calendar month, excluding Sundays and LEC recognized holidays.~~

~~F. Business office access is a measure of a LEC's ability to provide a sufficient customer access to its business office. The standard for satisfactory performance shall be that, without exception other than as permitted in this chapter, no less than 90% of business office calls are answered, per calendar month. A call is considered to have been answered when a live agent or an automated transaction system is ready to render assistance or accept the information necessary to process the call. In automated transaction systems, a customer shall be given the option to reach a live agent before the completion of the automated transaction.~~

~~G. Business office answer time is a measure of a LEC's ability to provide a sufficient workforce to render timely assistance to customers calling its business office. The standard for satisfactory performance for business office answer time shall be, without~~

~~exception other than as permitted in this chapter, an average SAI of no greater than 60 seconds, during normal hours of operation, per calendar month. A call is considered to have been answered when a live agent is ready to render assistance. In automated transaction systems, a customer shall be given the option to reach a live agent before the completion of the automated transaction. Information other than that necessary to direct customers to a live agent, for example, marketing or promotional material provided by an automated answering system, shall be included in the SAI.~~

~~H. Repair center access is a measure of a LEC's ability to provide sufficient customer access to its repair center. The standard for satisfactory performance shall be, without exception other than as permitted in this chapter, that no less than 90% of repair center calls are answered, per calendar month. A call is considered to have been answered when a live agent or an automated transaction system is ready to render assistance or accept the information necessary to process the call. In automated transaction systems, a customer shall be given the option to reach a live agent before the completion of the automated transaction.~~

~~I. Repair center answer time is a measure of a LEC's ability to provide a sufficient workforce to render timely assistance to customers calling its repair center. The standard for satisfactory performance for repair center answer time shall be, without exception other than as permitted in this chapter, an average SAI of no greater than 60 seconds, per calendar month. A call is considered to have been answered when a live agent is ready to render assistance. In automated transaction systems, a customer shall be given the option to reach a live agent before the completion of the automated transaction. Information other than that necessary to direct customers to a live agent, for example, marketing or promotional material provided by an automated answering system, shall be included in the SAI.~~



~~J. Operator access is a measure of a LEC's ability to provide sufficient customer access to operator services at all times. The standard for satisfactory performance shall be, without exception other than as permitted in this chapter, that no less than 95% of operator calls are answered, per calendar month. A call is considered to have been answered when a live agent or automated transaction system is ready to render assistance or accept the information necessary to process the call. In automated transaction systems, a customer shall be given the option to reach a live agent before the completion of the automated transaction.~~

~~K. Operator answer time is a measure of a LEC's ability to provide a sufficient workforce to render timely assistance to customers placing directory assistance, collect, third party billed, person-to-person, emergency, and other calls. The standard for satisfactory performance for operator answer time shall be, without exception other than as permitted in this chapter, an average SAI of no greater than 20 seconds, per calendar month. A call is considered to have been answered when a live agent is ready to render assistance. In automated transaction systems, assistance by a live agent shall be offered or provided. Information other than that necessary to determine the customer's request or direct customers to a live agent or other services, for example, marketing or promotional material provided by an automated answering system, shall be included in the SAI.~~

~~L. Service orders completed within five business days is a measure of a LEC's ability to complete installation and disconnection work requests in a timely manner. The standard for satisfactory performance shall be, without exception other than as permitted in this chapter, that no less than 90% of installations for one to two NALs for residential services and one to five NALs for business service, per premises, are completed within five business days, on a calendar month basis. Service orders include requests for new~~

~~service, transfers to new locations, additions to existing service, and requests for disconnection.~~

~~M. Service orders completed within 30 calendar days is a measure of a LEC's ability to forecast and complete installation work requests in a manner sufficient to meet customer demand. The standard for satisfactory performance shall be, without exception other than as permitted in this chapter, that no less than 99% of installations for one to two NALs for residential service and one to five NALs for business service, per premises are completed within 30 calendar days, on a calendar month basis. Installation orders include requests for new service or transfers to new locations.~~

~~N. Commitments met is a measure of a LEC's ability to meet customer installation and repair appointment times. The standard for satisfactory performance shall be, without exception other than as permitted in this chapter, that no less than 90% of commitments are met, per calendar month.~~

~~O. The rate of trunk blockage is a measure of the quality of a LEC's engineering, forecasting, and maintenance of its circuit-switched inter and intra-exchange trunk paths. The standard for satisfactory performance for any given trunk group shall be, without exception other than as permitted in this chapter, less than or equal to 2.0% call blockage, during the busy hour, per calendar month.~~

**20VAC5-427-140. Retail transmission standards. (Repealed.)**

~~A. The copper twisted loop transmission standards are as follows:~~

- ~~1. Fully load all voice grade loops greater than 18,000 feet;~~
- ~~2. No load coils on loops 18,000 feet or less;~~
- ~~3. Loop length from central office to first load coil approximately 1/2 of one standard load section;~~

~~4. Loop length from last load coil to rate demarcation point approximately 1-1/2 standard load sections;~~

~~5. No bridged taps between load coils;~~

~~6. Tip Ground, Ring Ground, or Tip Ring leakage equal to or greater than 100K ohms;~~

~~7. Longitudinal noise less than or equal to 80 dBrnC;~~

~~8. Metallic noise less than 20 dBrnC; and~~

~~9. 100% cable shield integrity between office frame ground and customer terminal.~~

~~B. In conducting a copper twisted pair transmission test, the following shall be considered major faults:~~

~~1. Missing coil or coils on loops exceeding 18,000 feet;~~

~~2. Customer located less than 1/2 load section distance from last coil;~~

~~3. Customer located more than 1-1/2 load sections from last coil;~~

~~4. Deviation greater than 10% from standard load spacing;~~

~~5. Double loads;~~

~~6. Wrong type load coils;~~

~~7. Load coils varying more than 25% from threshold load coil;~~

~~8. Load coils on a loop 18,000 feet or less;~~

~~9. More than a 12% deviation on the standard spacing on the office end section;~~

~~10. Bridged taps between load coils;~~

~~11. Tip Ground, Ring Ground, or Tip Ring leakage less than 100K ohms;~~

- ~~12. Voltage greater than 15 volts AC;~~
- ~~13. Voltage greater than 10 volts DC;~~
- ~~14. Longitudinal noise greater than 90 dBrnC; and~~
- ~~15. Metallic noise greater than 20 dBrnC.~~

~~C. In conducting a copper twisted pair transmission test, the following shall be considered minor faults:~~

- ~~1. Longitudinal noise greater than 80 but less than or equal to 90 dBrnC; and~~
- ~~2. Failure to maintain shield continuity.~~

~~D. A rate exceeding 6.0% in the major fault category or a rate exceeding 16% in the minor fault category will constitute a failed test. A failed test shall require a corrective action plan when appropriate as determined by the staff, as set forth in 20VAC5-427-150.~~

**20VAC5-427-150. Corrective action. (Repealed.)**

~~A. A LEC subject to the provisions of this chapter shall, upon request of the commission or the staff, take timely and effective diagnostic or corrective action to address any area of demonstrable concern for service quality performance or to address commission complaints.~~

~~B. A LEC subject to the provisions of this chapter shall, upon request of the commission or the staff, submit a corrective action plan to address any area of demonstrable and continuing concern for service quality performance or to address recurring commission complaints. Such action plan shall be submitted to the staff within 30 days unless otherwise requested by the staff. An action plan shall at a minimum contain:~~

- ~~1. A complete identification of the cause of unsatisfactory performance or commission complaints;~~
- ~~2. An explicit remedy or corrective action and a schedule of implementation of the remedial or corrective action to be taken by a LEC; and~~
- ~~3. A date by which a LEC will complete the remedial or corrective action identified.~~

**20VAC5-427-160. Enforcement and sanctions. (Repealed.)**

~~Failure by a LEC to meet any of the provisions of this chapter may result in enforcement and sanctions by the commission pursuant to its regulatory authority and applicable statutes notwithstanding the submission of a corrective action plan as provided in 20VAC5-427-150.~~

**20VAC5-427-170. Waiver. (Repealed.)**

~~The commission may, at its discretion, waive or grant exceptions to any provision of this chapter.~~

CHAPTER 428

RULES GOVERNING LOCAL EXCHANGE TELECOMMUNICATIONS CARRIER

RETAIL SERVICE QUALITY

**20VAC5-428-10. Applicability; definitions.**

A. This chapter is promulgated pursuant to §§ 56-35, 56-36, 56-234, 56-234.4, 56-246, 56-247, 56-249, and 56-479 of the Code of Virginia and shall apply to local exchange carriers (LECs) providing local exchange telecommunications services within the Commonwealth of Virginia. This chapter prescribes the minimum acceptable level of service quality under normal operating conditions. The commission may, after

investigation and at its discretion, suspend application of this chapter during force majeure events, which include natural disaster, severe storm, flood, work stoppage, civil unrest, major transportation disruptions, or any other catastrophic events beyond the control of a LEC.

B. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Automated answering system" means a system where customer calls are received and directed to a live agent or an automated transaction system.

"Automated transaction system" means a system where customer transactions can be completed without the assistance of a live agent, and include the option to reach a live agent before the completion of an automated transaction.

"Central office" means a LEC-operated switching system, including remote switches and associated transmission equipment.

"Central office serving area" means the geographic area in which local service is provided by a LEC's central office and associated outside plant.

"Commission" means the Virginia State Corporation Commission.

"Customer" means any person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency that is an end user [or the authorized agent of an end user] of local exchange telecommunications services under the jurisdiction of the commission.

"Customer call center" means any functional entity that accepts customer calls pertaining to service orders, billing inquiries, repair, and any other related requests.

"Emergency" means a sudden or unexpected occurrence involving a clear and imminent danger demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

"Local exchange carrier (LEC)" means a certificated provider of local exchange telecommunications services, excluding LECs subject to Chapter 16 (§ 56-485 et seq.) of Title 56 of the Code of Virginia.

"Local exchange telecommunications services" means local exchange telephone service as defined by § 56-1 of the Code of Virginia.

"Major service outage" means any network condition that causes 1,000 or more customers to be out of service for 30 or more minutes; causes an unplanned outage of, or completely isolates, a central office for 30 or more minutes; or disrupts 911 emergency call processing for any period.

"Network" means a system of central offices and associated outside plant.

"Network access line (NAL)" means a customer dial tone line, or its equivalent, that provides access to the public telecommunications network.

"Out of service" means a network service condition causing an inability to complete an incoming or outgoing call or any other condition that causes a connected call to be incomprehensible.

"Outside plant" means the network facilities not included in the definition of central office including, but not limited to, copper cable, fiber optic cable, coaxial cable, terminals, pedestals, load coils, or any other equipment normally associated with interoffice, feeder, and distribution facilities up to and including the rate demarcation point.

"Rate demarcation point" means the point at which a LEC's network ends and a customer's wiring or facilities begin.

["Repeat report" means a customer reported trouble that is received by a LEC within 30 days of another trouble report on the same NAL.]

"Speed of answer interval (SAI)" means the period of time following the completion of direct dialing, or upon completion of a customer's final selection or response within an automated answering system, and lasting until the call is answered by a live agent or is abandoned by the customer or the LEC. In the case of automated transactions where a customer opts to speak to a live agent, the SAI is the period of time following the customer opting to speak to a live agent until the call is answered by a live agent or is abandoned by the customer or the LEC. A call is considered to have been answered when a live agent is ready to render assistance.

"Staff" means the commission's Division of Communications and associated personnel.

"Trouble" means an impairment of a LEC's network.

"Trouble report" means an initial oral or written notice, including voice mail and email, to any LEC employee or agent of a condition that affects or may affect network service.

**20VAC5-428-20. Private property restoration.**

A LEC, whenever it disturbs private property during the course of construction or maintenance operations, shall, except when otherwise specified or governed by easement or agreement, [make every reasonable effort to] restore the private property to a condition that is at least as good as that which existed prior to the disturbance [once all work is completed].



**20VAC5-428-30. Availability and retention of records.**

A. A LEC shall provide to the commission or staff, upon request, all records, reports, and other information required to determine compliance with this chapter.

B. A LEC shall retain records relevant to this chapter for a minimum of two years.

C. A LEC shall retain customer billing records for a minimum of three years to permit the commission or staff to investigate and resolve billing complaints.

**20VAC5-428-40. [Reserved for future use. Routine network relocation and rearrangement.**

Upon the receipt of a bona fide request for the routine relocation or rearrangement of its network facilities, a LEC shall provide the requesting party a detailed, itemized written good faith cost estimate, or a written work plan if no charges are applicable, within 45 days, unless otherwise agreed to by the requestor. Upon the requestor's acceptance of the cost estimate or work plan, a LEC shall complete the relocation or rearrangement work within 60 days, unless otherwise agreed to by the requestor.]

**20VAC5-428-50. Trouble report availability.**

A. A LEC shall accept [and , ] acknowledge [, and record] trouble reports of an emergency nature at all times through automated or live means.

B. A LEC shall take immediate action to clear trouble reports of an emergency nature.

**20VAC5-428-60. Service outage reporting.**

A. A LEC shall advise the staff of a major service outage on the same day as the outage occurs. If the outage occurs outside of the commission's normal business hours,

a LEC shall advise the staff ~~[via voice mail and email]~~ at the beginning of the next business day].

B. A LEC shall submit to the staff a major service outage report by the end of the next business day following the [end of the] outage and shall include the following information:

1. The central office, remote switch, or other network facility involved;
2. The date and estimated time of commencement of the outage;
3. The geographic area affected;
4. The estimated number of customers affected;
5. The types of services affected;
6. The duration of the outage (e.g., time elapsed from the commencement of the outage until estimated restoration of full service); and
7. The apparent or known cause or causes of the outage, including the name and type of equipment involved and the specific part of the network affected, and methods used to restore service.

**20VAC5-428-70. Commission complaints.**

A. When the staff informs a LEC of an out-of-service commission complaint, that LEC shall restore the affected service within 24 hours of the report, unless an extension is granted by the staff.

B. When the staff informs a LEC of a non-out-of-service commission complaint, the LEC shall resolve the complaint within 10 business days, unless an extension is granted by the staff.

**20VAC5-428-80. Printed directories.**

[A.] A LEC shall publish printed directories or cause its customers' listing information to be published in printed directories at yearly intervals.

[B. A LEC responsible for publishing a directory shall make every reasonable effort to correct directory errors and to resolve directory disputes in a timely and efficient manner. A LEC responsible for directory publication may be required by the commission to postpone publication depending upon the nature and severity of a complaint. A LEC responsible for publishing a directory includes, but is not limited to, a LEC that publishes directories, causes directories to be published, or provides customer information for inclusion in directories.]

**20VAC5-428-90. Network and customer care service quality and reporting.**

A. A LEC with 10,000 or more NALs shall file quarterly performance reports showing monthly results on a statewide basis for the performance standards contained in subsection B of this section [for any quarter in which it failed to meet a standard for one or more months]. The quarterly reports shall be filed no later than the 15th day of the month following the close of the preceding quarter. The reports and the data they contain shall not be deemed confidential and shall be subject to commission audit. A LEC may request the commission to exempt it from the filing of quarterly reports by demonstrating that its services, in whole or in part, are provided through the resale or lease of another LEC's services or facilities over which it has no direct control.

B. A LEC shall comply with the following performance standards:

1. A LEC shall restore no less than 80% of out-of-service trouble reports within 24 hours, and no less than 95% within 48 hours, per calendar month, on a statewide basis, excluding Sundays and LEC-recognized holidays. A LEC shall

calculate its results by dividing the number of out-of-service customer trouble reports restored within 24 hours and 48 hours respectively in the given month by the number of out-of-service customer trouble reports received in the given month. The quotient is then multiplied by 100 to produce the result as a percentage. [A LEC may exclude (a) customer caused delays, and (b) extended intervals that are explicitly accepted or requested by residential customers; a LEC shall submit to the commission's Division of Communications a satisfactory description of the criteria it will apply to determine an explicit acceptance or request by a residential customer and of the method it will employ to record such explicit acceptance or request.]

2. A LEC shall answer calls to its customer call centers with an average SAI of no greater than 60 seconds per calendar month. A LEC shall calculate its results by dividing the cumulative SAI in seconds in the given month by the number of calls answered by a live agent in the given month. A LEC shall exclude from its calculation customer-initiated web transactions and customer-initiated automated transactions.

3. A LEC shall complete no less than 90% of installation service orders within five business days of a customer's request, per calendar month, on a statewide basis. A LEC shall calculate its results by dividing the number of installation service orders completed within five days in the given month by the number of service orders received in the given month. The quotient is then multiplied by 100 to produce the result as a percentage. A LEC may exclude [customer-requested] extended intervals [that are explicitly accepted or requested by residential customers], customer-caused installation delays, and service orders for the installation of more than five NALs at one customer location [; a LEC shall submit

submit to the commission's Division of Communications a satisfactory description of the criteria it will apply to determine an explicit acceptance or request by a residential customer and of the method it will employ to record such explicit acceptance or request. A LEC may exclude installation service orders that involve porting telephone numbers, the delivery of which has been delayed by another LEC ].

4. A LEC shall meet no less than 90% of installation and repair commitments requiring a field dispatch, per calendar month, on a statewide basis. A LEC shall calculate its results by dividing the number of installation and repair commitments met in the given month by the number of commitments made in the given month. The quotient is then multiplied by 100 to produce the result as a percentage.

[ 5. A LEC shall not exceed a 16% report rate, per calendar month, on a statewide basis. A LEC shall calculate its results by dividing the number of repeat reports in the given month by the number of trouble reports cleared in the given month. The quotient is then multiplied by 100 to produce the result as a percentage.

6. A LEC shall not exceed a 0.35% central office trouble report rate, per calendar month, on a statewide basis. A LEC shall calculate its results by dividing the number of central office related trouble reports in the given month by the number of NALs at the end of the given month. The quotient is then multiplied by 100 to produce the result as a percentage.

7. A LEC shall not exceed a 3.0% outside plant trouble report rate, per calendar month, on a statewide basis. A LEC shall calculate its results by dividing the number of outside plant related trouble reports in the given month by the number

of NALs at the end of the given month. The quotient is then multiplied by 100 to produce the result as a percentage. ]

C. Notwithstanding that quarterly performance reports are compiled on a statewide basis, the commission may, in its discretion, direct that analogous reports be filed to assure that LECs comply with the performance standards set out in subdivisions B 1, B 3, [ and ] B 4 [ , B 5, B 6, and B 7 ] of this section, for any individual central office serving area of any LEC. [ The commission also may direct that additional reports be filed to provide information, to be prescribed by the commission, not included in the quarterly performance reports. ] A LEC's failure to comply with the performance standards set out in subdivisions B 1, B 3, [ and ] B 4 [ B 5, B 6, and B 7 ] , for any individual central office serving area may result in enforcement proceedings as provided in 20VAC5-428-110.

[ D. If a customer indicates that a medical necessity requires prompt restoration of service, a LEC shall restore service within 24 hours. ]

#### **20VAC5-428-100. Generally inadequate service.**

A LEC shall, at the direction of the commission following notice and an opportunity for hearing, address any concern for inadequate service quality not specifically addressed in this chapter.

#### **20VAC5-428-110. Enforcement and sanctions.**

The commission may, upon motion, and after opportunity for written response from the LEC in accordance with 5VAC5-20-100, issue such order or orders as it deems necessary to notify a LEC of the LEC's obligation and need to satisfy the provisions of this chapter. If a LEC fails to comply with the directives of such order, the commission may, following notice and an opportunity for hearing, levy one or more of the penalties

and sanctions authorized by §§ 12.1-13, 12.1-33, and 56-483 of the Code of Virginia for violations of such order.

**20VAC5-428-120. Commission authority.**

The commission may, at its discretion, waive or grant exceptions to any provision of this chapter.